

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

City of Rochester v. Purdue Pharma L.P.,
No. 19-op-45853 (Track 12)

MDL 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**PLAINTIFF'S MOTION FOR LEAVE TO FILE UNDER SEAL ITS RESPONSE TO
EXPRESS SCRIPTS' OBJECTIONS TO DISCOVERY RULING NO. 14, PART 33**

This is a motion under Local Rule 5.2 seeking leave to file under seal Plaintiff's Response to Express Scripts' Objection to DR No. 14, Part 33 [ECF No. 5795]; Motion for Interlocutory Appeal Pursuant to 28 U.S.C. § 1292(B), together with its supporting exhibits. A proposed order is attached to this motion as Exhibit 1.

Local Rule 5.2 provides, "No document will be accepted for filing under seal unless a ... court order authorizes the filing of sealed documents." Plaintiff's Response refers throughout to documents produced by Express Scripts, which Defendant has designated confidential in their entirety under the governing protective order. *See* ECF Nos. 441, 1357. Accordingly, all of this information is subject to the Court's Order Amending Procedures Regarding Redactions and Filing of Briefs Under Seal. *See* ECF No. 1813.

Plaintiff does not believe this information warrants sealing and withholding from the public. Nonetheless, Plaintiff seeks to comply with all applicable orders concerning designated confidential information. Plaintiff respectfully requests to proceed in this manner so there is no inadvertent disclosure of such information.

Plaintiff therefore asks the Court to grant Plaintiff's motion and direct Defendant to indicate within three business days whether and which specific information contained in Plaintiff's motions or supporting exhibits should be redacted and remain under seal. *See* ECF No. 1813 at 5–7 (disfavoring blanket sealing and requiring specific redactions). At the end of that period, any information Defendant does not indicate should be redacted will be made available on the Court's public docket.

Dated: December 10, 2024

Respectfully submitted,

/s/ Peter H. Weinberger

Peter H. Weinberger (0022076)
SPANGENBERG SHIBLEY & LIBER
1001 Lakeside Avenue East, Suite 1700
Cleveland, OH 44114
(216) 696-3232
(216) 696-3924 (Fax)
pweinberger@spanglaw.com
Plaintiffs' Liaison Counsel

/s/ Paul J. Napoli

Paul J. Napoli
Napoli Shkolnik
1302 Avenida Ponce de León
Santurce, Puerto Rico 00907
Tele: (833) 271-4502
PNapoli@NSPRLaw.com

/s/ Hunter J. Shkolnik

Hunter J. Shkolnik
Napoli Shkolnik
1302 Avenida Ponce de León
Santurce, Puerto Rico 00907
Tele: (833) 271-4502
PNapoli@NSPRLaw.com
Hunter@NSPRLaw.com

/s/ Salvatore C. Badala

Salvatore C. Badala
Shayna E. Sacks
Joseph L. Ciaccio
Napoli Shkolnik PLLC
400 Broadhollow Road, Suite 305
Melville, New York 11747
Phone: (212) 397-1000
Facsimile: (646) 843-7603
sbadala@napolilaw.com
ssacks@napolilaw.com
jciaccio@napolilaw.com

/s/ Frank Gallucci

Plevin & Gallucci Company, L.P.A.
55 Public Square
Suite 2222
Cleveland, Ohio 44113
p: 216.861.0804
f: 216.861.5322
Attorney for Plaintiff City of Rochester

CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2024, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system and may be obtained by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

/s/Peter H. Weinberger

Peter H. Weinberger